

REMARKS/ARGUMENTS

Claims 1-36 were in the application as filed. The Examiner required restriction between allegedly patentably distinct species, and Applicants elected claims 25-36 for examination.

Claims 1-24 have been cancelled without prejudice.

Applicants believe the amendments made herein add no new matter. Any amendment to the claims which has been made in this Amendment and Response, and which has not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto. Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

Rejection Under 35 U.S.C. §102(e)

Claims 25-36 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,877,868 to Olijnyk et al. The rejection is traversed.

Olijnyk '868 discloses a dual-arm rearview mirror assembly 10 comprising a mirror head 15 movably mounted on a pair of parallel arms. The parallel arms 22 comprise inner 24 and outer 22 telescoping arms. The outer arms 22 are movable relative to the inner arms 24 by a motorized assembly comprising a motor 60, a looped toothed belt 32, a thin, rotating shaft 70 coupled with a sprocket 80, and various gears. The motor 60 drives a transmission which, in turn drives the shaft 70 and sprocket 80 to drive the belt 32. The motorized assembly is associated with the mirror head 15.

The Examiner identifies a base 12 adapted to be mounted to the vehicle, and asserts that a frictional wear strip 25 which facilitates movement between the inner arm 24 and the outer arm 22 comprises a cradle. The Examiner also asserts that elements between the arms illustrated in Figure 2 comprise a support element. A review of Figure 2 reveals that the elements between the arms are the motor 60, the thin, rotating shaft 70, the sprocket 80, and a transmission. The only

element that extends between the arms is the shaft 70. The Examiner asserts that the "support element" is received in the "cradle." Indeed, the belt 32 and a supporting sprocket are received in the wear strip 25. The Examiner also asserts that elements 38 and 40 comprise "a retainer mounted to the base and extending across at least a portion of the cradle to retain the support element therein." Elements 38 and 40 comprise an idler wheel 38 and a supporting carrier 40 associated with the belt 32. Finally, the Examiner asserts that the support of the support tube assembly by the cradle has increased strength and resistance to vibration while enabling the support tube assembly to pivot relative to the base because this is inherent by the gears and elements illustrated in Figure 4. However, Figure 4 illustrates nothing more than an exploded view of the motor 60, transmission, rotating shaft 70, sprocket 80, belt 32, and carriers, and a portion of the arms 22, 24.

The claimed invention is not anticipated under §102 unless each and every element of the claimed invention is found in the prior art. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986). To anticipate, a single reference must teach each and every limitation of the claimed invention. *Eolas Technologies Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1335; 73 U.S.P.Q.2D (BNA) 1782 (Fed. Cir. 2005). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The rejection fails to satisfy these standards.

Claim 25 calls for a vehicular mirror system comprising a base, a reflective element assembly, a support tube assembly, and a retainer. The base is adapted to be mounted to a vehicle, and comprises a cradle extending outwardly therefrom. The reflective element assembly provides a rearward reflective view to an operator of the motor vehicle. The support tube assembly comprises a pair of arms interconnected by a support element. The pair of arms is attached to the reflective element assembly and the support element is received in the cradle. The retainer is mounted to the base and extends across at least a portion of the cradle to retain the support element therein. The support of the support tube assembly by the cradle has increased strength and resistance to vibration while enabling the support tube assembly to pivot relative to the base. Olijnyk '868 does not disclose these limitations.

Initially, the wear strip 25 is not a cradle. The base comprises the cradle, which must extend outwardly from the base. The Examiner concedes that the base disclosed in Olijnyk '868 is element 12. The wear strip 25 does not extend from element 12. Thus, the wear strip 25 cannot be the cradle. Furthermore, the support element cannot be the motor 60, the thin, rotating shaft 70, the sprocket 80, and a transmission. However, there is nothing in Olijnyk '868 that even suggests that these elements provide any type of support function. If anything, these elements must operate in such a manner as to effectively minimize forces between the elements and the arms so as to enable the elements to operate freely. Additionally, these elements are not received in the wear strip 25. Only the belt 32 is received in the wear strip 25, which cannot be part of the support element because it does not interconnect the two arms.

The idler wheel 38 and supporting carrier 40 cannot constitute the retainer called for in claim 25. The retainer must be mounted to the base. Neither the idler wheel 38 nor the supporting carrier 40 is mounted to the base. Furthermore, nothing in Olijnyk '868 even suggests that the idler wheel 38 or supporting carrier 40 retain the motor 60, the rotating shaft 70, the sprocket 80, and a transmission in the wear strip 25. Indeed, the motor 60, rotating shaft 70, sprocket 80, and transmission cannot be retained in the wear strip 25 because they are located external to the wear strip 25.

The Examiner is simply arbitrarily picking and choosing elements in Olijnyk '868 and asserting that such elements constitute the elements of claim 25, even though such elements have neither the structure nor the function of the elements called for in claim 1, as described in the Application. For example, calling a wear strip 25 a cradle does not make it a cradle. Additionally, the Examiner completely ignores limitations in claim 25 that specify the structural relationship between elements, such as the requirement that the retainer be mounted to the base. The Examiner simply asserts that these limitations are present without any analysis of whether they are, indeed, present, and whether they meet each and every limitation of claim 25.

Claim 25 is not anticipated by Olijnyk '868. Because Olijnyk '868 does not teach each and every limitation of claim 25, and does not disclose the invention of claim 25 in as complete

detail as is contained in claim 25. Applicants request that the rejection of claim 25 be withdrawn.

Claims 26-36 depend, directly or indirectly, from claim 25, and are, for the same reasons, not anticipated by Olijnyk '868. Thus, Applicants request that the rejection of claims 26-36 be withdrawn.

Because claims 25-36 are patentable over Olijnyk '868, Applicants request the allowance of claims 25-36.

CONCLUSION

If there are any outstanding issues which the Examiner feels may be resolved by way of telephone conference, the Examiner is cordially invited to contact the undersigned to resolve these issues. Early notification of allowability is respectfully requested.

Respectfully submitted,

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Dated: February 12, 2007

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